

**Judicial Conference of Indiana
Board of Directors**

**September 15, 2009
Minutes**

The Judicial Conference of Indiana Board of Directors met at the West Baden Springs Hotel on September 15, 2009. Judge John Baker presided and Jennifer Bauer acted as secretary.

1. **Members present.** The following members of the Board were present: John G. Baker, William J. Boklund, David R. Bolk, Vicki L. Carmichael, J. Terrence Cody, Darrin M. Dolehanty, Frances C. Gull, Teresa D. Harper, Carl A. Heldt, Susan Orr Henderson, William J. Hughes, Thomas R. Lett, Peggy L. Quint Lohorn, Daniel J. Molter, Chris. D. Monroe, Sheila M. Moss, Carol J. Orbison, Terry C. Shewmaker, Mark A. Smith, Mark D. Stoner, Wayne S. Trockman, Marianne L. Vorhees, Allen N. Wheat, and Mary G. Willis.
2. **Staff present.** The following Judicial Center staff members were present: Jane Seigel, Mike McMahon, Cathy Springer, Jeff Bercovitz, Jenny Kidwell, Jennifer Bauer, Mary Kay Hudson, Michelle Goodman, Lisa White, Diane Mains, Angela Reid-Brown, Bob Champion and Justin Miller. Also present were Lilia Judson, David Remondini, and Kathryn Dolan of the Division of State Court Administration.
3. **Guests.** Judge John Surbeck attended the meeting on behalf of the Problem Solving Courts Committee and Judge Tom Felts attended the meeting as past president of the Indiana Judges Association.
4. **Indiana Judges Association Report.** Judge Terry Cody reported that the IJA executive committee met several weeks ago to begin planning for the 2010 legislative session. He said that the Benefits Committee is reviewing the benefits of judges and comparing them to benefits received by other state employees. Judge Cody reported that the IJA incurred \$9,000 in additional lobbying expenses due to the special session and a conflict of interest that the regular lobbyist had on the JTAC issue. Judge Cody said that the IJA has accomplished many things in the last six years and credited John Marnocha, Tom Felts and Marc Kellams for those accomplishments. Judge Cody also said that the IJA is committed to securing judicial independence through its lobbying efforts.
5. **Indiana Council of Juvenile and Family Court Judges.** Judge Fran Gull gave the report of the ICJFCJ on behalf of Judge Steve Sims. Judge Gull reported that the Annual Meeting of Juvenile Court Judges was held on June 19th in Indianapolis and 95 judges with juvenile court jurisdiction attended. The topics of juvenile probation and consolidation of probation departments were discussed in light of the Commission on Courts studying these issues next month. The juvenile judges also discussed the section of the budget bill that gave the DCS director sole authority over out-of-state placements of juveniles. Judge Gull also reported that 57 Indiana judges attended the National

Meeting of Juvenile and Family Court Judges in Chicago in July. Indiana had one of the largest contingents of judges in attendance.

- 6. JTAC Liaison Report.** Judge Mary Willis reported that the Odyssey Case Management System is now operational in the following locations: Monroe County, Warren County, Tipton County, DeKalb County, Floyd County, Parke County, Owen County, Washington County, Marion County Traffic Court, St. Joseph County Traffic Court, Washington Township Small Claims Court, Franklin Township Small Claims Court, Center Township Small Claims Court, Greenwood City Court and New Haven City Court. Hamilton County is scheduled to go live in Odyssey on September 21st—at that time approximately 20% of Indiana’s cases will be in Odyssey. Judge Willis reported that all Indiana counties are now on the Protective Order Registry. Judge Willis also reported that funding of JTAC was an issue during the 2009 session if the Indiana General Assembly and that they will continue to monitor the issue.
- 7. Problem-Solving Courts Committee Legislative Proposal and Drug Court Rule Amendments.** Judge John Surbeck reported that the problem-solving courts legislative proposals did not get hearings during the legislative session. He said that the committee plans to pursue these legislative proposals again during the 2010 session. Judge Surbeck also informed the Board that the Problem-Solving Courts Committee has since identified additional language for legislative changes for the Board’s consideration and approval. He distributed copies of the additional proposed legislative changes. A motion was made to approve the Problem Solving Courts Committee’s proposed legislative agenda for the 2010 session of the Indiana General Assembly. The Motion was approved. Judge Trockman reported that the Committee also drafted revisions to the administrative sections of the Drug Court Rules. The Committee submitted the revisions for the Board’s review and approval. Judge Trockman distributed copies of the proposed rules revisions. A motion was made to approve the proposed revisions to the Drug Court Rules. The motion was approved.
- 8. Jury Committee Proposed Rule.** Judge Bill Hughes reported that the Jury Committee is proposing a change to Jury Rule 6 on “Exemption”. The proposed change adds the following language to the rule: “Only those exemptions expressly provided by statute are permitted.” Judge Hughes explained that this additional language is necessary in the rule because the legislature re-instated a statutory exemption that is effective on January 1, 2010. A motion was made to approve the Jury Committee’s recommendation to the Supreme Court and the Supreme Court Rules Committee to amend Jury Rule 6. The motion was approved.
- 9. Probation Committee.** Judge Mark Stoner reported that the Probation Committee submitted proposed changes to the Indiana Recommended Special Probation Conditions for Adult Sex Offenders to track changes made by the legislature to IC 35-38-2-2.2. He distributed copies of the proposed changes and explained that the major change adds rules on computer searches that are required by statute as a condition of probation. A motion was made to approve the proposed changes to the Indiana Recommended Special Probation Conditions for Adult Sex Offenders. The motion was approved. Judge Stoner

also reported that the Commission on Courts will meet on October 1st-- two probation topics are on the agenda: consolidation of probation departments and probation funding. He said a workgroup consisting of several probation officers and judges has met during the summer to gather statistics and prepare testimony for the Commission meeting. Judge Stoner will report on the Commission's work at the next Board meeting.

10. State Court Administration Report. Lilia Judson reported that the 2008 Annual Report is ready for distribution. She said that over 2 million cases were filed in Indiana courts—the most ever. Ms. Judson said that STAD is working on providing judicial officers with state identification badges and that a photographer will be taking photos for the badges during the conference. She also reported that the Indiana Courts Pandemic Preparation Guide is available and will be distributed at the conference. Ms. Judson also reported on the requirements of the new mortgage foreclosure law. She said SEA 492 requires notice and a settlement conference, and also created a \$50 filing fee. The fee is expected to generate \$2 million per year. State Court Administration is working with the Indiana Housing and Community Development Authority to get \$600,000 from the fees diverted to trial courts to defray costs for facilitators, notices, staff and fees for lawyers. State Court Administration is working on a memorandum of understanding with IHCDA on this issue.

11. Indiana Judicial Center Report. Jane Seigel introduced new staff member Justin Miller. She explained that Mr. Miller is the new assistant administrator for the Alcohol & Drug Program and the Drug Court Program. Mr. Miller is a graduate of Indiana State University and is a certified probation officer. Michelle Goodman reported on the progress of the Risk Assessment Task Force. She said that 25 counties volunteered as research sites for the validation study, with the juvenile research finished in June and the adult research finished in July. Ms. Goodman reported that the Criminal Justice awarded grant money to the Judicial Center for training and technology to implement the new risk assessment instrument. Ms. Seigel reported that the Supreme Court invited amicus briefs in a transfer case involving the use of risk assessment instruments in sentencing. The Judicial Center will file an informational brief on behalf of the Judicial Conference. Ms. Seigel also informed the Board that the Judicial Conference Annual Meeting is scheduled to take place in northern Indiana in 2011 and southern Indiana in 2013. The Judicial Center would like Board permission to look at the Blue Chip Hotel and Casino in Michigan City and Belterra in Vevay. The Board discussed the issue of holding the Annual Meeting at casino hotels and requested that the Judicial Center prepare a survey for Board member to send to judges in districts for feedback on the issue. Ms. Seigel distributed a schedule of Judicial Center activities for September, October, and November. She reported that Judicial Center's budget was cut by the legislature and that spending will have to be watched very closely. Judge Baker thanked the Judicial Center staff for their hard work in preparing for and putting on the Annual Meeting.

12. Strategic Planning Report. Judge Shewmaker reported that the Strategic Planning Committee made significant progress this year. He said that the committee met this morning and finished the "white paper" titled "A New Way Forward". He said that the paper contains the committee's aspirations for the future of the judiciary. Judge

Shewmaker asked for Board approval on four items: (1) approve the white paper; (2) authorize distribution of the white paper; (3) authorize the Strategic Planning Committee to approach the Indiana Judges Association Board of Managers to seek their support for the committee's vision and to utilize their lobbying team; and (4) authorize outreach by the Strategic Planning Committee to other groups and agencies to bring about implementation of the strategic plan. The Board held a lengthy discussion of the recommendations in the white paper. A motion was made to approve the Strategic Planning Committee's request for approval of the white paper, the white paper's distribution, and outreach to the IJA and other outside agencies for assistance with implementation of the strategic plan. The motion was approved 25-1.

13. **Recognition of Retiring Members.** Judge Baker announced that Judge Monroe and Judge Moss have completed their terms on the Board of Directors. He thanked them for their service to the Board.
14. **Next meeting.** The next meeting of the Judicial Conference Board of Directors will be announced at a later date.

Respectfully submitted,

Jennifer A. Bauer